THE

WEEKLY ENTERTAINER.

For MONDAY, July 18, 1803.

Obſervations on the Trade of the City of Conſtantinople.

[From Olivier's Travels in the Ottoman Empire.]

THE little confidence inſpired by a government too frequently unjuſt; the little ſolidity preſented by the fortunes of private perſons, the certainty of loſing one's money if the man to whom it has been lent die in an employment, or if he be puniſhed with death for any miſdemeanor, real or ſuppoſed; the tyranny which is every where exerciſed by thoſe who are are inveſted with power, the venality of the tribunals, the innumerable multitude of falſe witneſſes—every thing in Turkey inſpires ſuch a miſtruſt in affairs of commerce, that a man lends not his money but at a very high intereſt, and delivers not his goods on credit but at an exorbitant price. Very frequently even no buſineſs takes place if the creditor be not provided beforehand with a pledge above the value of the money which he has lent, or of the goods which he has delivered on credit. The intereſt of money muſt have riſen in proportion to the riſks that the lender had to run: it is generally from eight to ten per cent. in regard to Europeans; from fifteen to twenty per cent. in regard to Muſſulman, Jew, Armenian, or Greek merchants; it is at thirty, forty, and even fifty per cent. in regard to the Turks who belong to the government. To private perſons money is lent at twenty-five or thirty per cent. but almoſt always in towns, pledges are required for the ſecurity of the debt.

Honeſty, however, is not entirely baniſhed from the Ottoman empire. The European merchants know that the countryman almoſt always performs without difficulty the engagements which he has contracted, that the man of buſineſs is generally the ſlave of his word, that the trader ſeldom fails to diſcharge

his obligations when his payments become due. If probity alone be the inſtigator of the firſt, the others are anxious to preſerve a ſpotleſs reputation which may increaſe their credit, multiply their operations, and facilitate all the affairs that they undertake.

It is with the pachas and the great that one ought to avoid to deal otherwiſe than with ready money, becauſe it is they who ſhew the moſt diſhoneſty, and who almoſt always make an improper uſe of their authority. As much as one may be confident with the plain man who hears and follows the voice of his conſcience, with the merchant always moved by ſelf-intereſt which commands him to appear an honeſt man, ſo much ought one to miſtruſt the man of power whom intrigue has led to the firſt employments, who, deaf to the call of honour, thinks that he can ſkreen himſelf from the eye of juſtice.

I ſhall not here eſtabliſh a parallel between the different nations which inhabit the Levant, and which are ſubject to the Ottoman government. The individuals who compoſe them, accuſed of being equally covetous, equally cunning, equally knaviſh, nevertheleſs, perform their engagements when one has taken with them ſuitable precautions. If probity do not incline them to it, fear at leaſt determines them, becauſe the Turks are always there to impoſe on them an exaction.

As for the Muſſulmans, one finds, in general, among them more ſincerity: one may, in general, truſt more to their word. We ſhould conſider them as the moſt honeſt and the moſt eſtimable of all, did they not ſhew themſelves unjuſt towards tributary ſubjects: did not the contempt which they have for them induce them to violate, in regard to them, the law of nations, to make them undergo humiliations, and cover them not unfrequently with diſgrace.

It is to the government alone, founded on an oppreſſive religion, that we muſt impute the knavery of ſome, the tyranny of others, the vices of all. The Greeks, the Armenians, and the Jews, deprived of the rights of citizenſhip, excluded from civil employments and from military ſervice, ſtrangers to the religion on which every thing reſts, obliged to redeem every year their head by a diſgraceful tax, threatened inceſſantly with the loſs of their life or their fortune, and weak and unprotected, have, from their very infancy, learnt to diſſemble, to give way to the ſmalleſt ſhock, to withdraw themſelves from force by addreſs, from violence by ſubmiſſion. They have been obliged to be falſe from habit, cringing and vile from fear, cunning and knaviſh from the neceſſity of living and exiſting.

The Muſſulmans, vain of their ſuperiority, inſolent towards unarmed ſlaves, proud of belonging to a religion which inſpires contempt for all thoſe who are not admitted into it; fanatic, ferocious, and unjuſt through the effect of that religion; tole-

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rated in the extortions which they exercise towards tributary subjects; emboldened even by a government which dreads those whom it oppresses; the Mussulmans, like their ancestors, would possess a disposition for greatness, heroism, and robbery, had they preserved their morals, their courage, and all their fanaticism. But at this day the sale of all employments, and the precarious tenure of them, make all private persons avaricious, and convert all the despotaries of authority into oppressors. Justice is venal, because the cadis have been laid under contribution; the venality of the judges has produced false witnesses; religious zeal is relaxed, courage is worn out, immorality has crept in every where: one may say boldly that it has at the present day reached its highest pitch in the towns.

The law of confiscations has frequently occasioned to be considered as criminal men whom birth, chance, or industry had enriched. That which assigns to the sultan the property of those who receive from him any pay whatever, must, like the other, necessarily have clogged the operations of commerce, inspired fears, and greatly contributed to the excessive rate of money.

On the Misfortunes which arise from the Neglect of Female Duties, and the Miseries which result from a Dissipated Life.

"PERHAPS (says an author* of acknowledged celebrity) the interests of true friendship, elegant conversation, mental improvement, social pleasure, and conjugal comfort, never received such a blow as when fashion issued out that arbitrary and universal decree, that every body must be acquainted with every body. Together with that consequent, but rather inconvenient clause, that every body must go every where every night." In an age, where dissipation reigns with unbounded influence, and where the female character seems to have undergone a total change, it may not be improper to point out a few of the ill consequences which must arise from this fashionable mania of the times. Still, I am not morosely going to condemn amusements, or to expect the liveliness of youth to appear with the gravity of years. I am going to point out the impropriety of making pleasure the grand business, instead of applying to it as merely a recreation of life.

The modern mistress of a family no longer superintends its arrangement, or to each of her domestics appropriates their separate concerns, for those hours are spent in sleep, which

* Dr. Hunter.

were formerly devoted to uſeful occupations, and a morning of lethargic indolence is the conſequence of a night that has been devoted to cards. Even the calculation of family expences are left to a houſekeeper, or ſteward, and the bills are diſcharged upon merely knowing their amount; and thus is the property of the huſband placed in the hands of his domeſtics, who, unleſs they happen to be highly principled, are invited to commit a crime. Ruin frequently is the conſequence of this miſplaced confidence; and thoſe who have blazoned for a ſhort period, diſappear like a meteor in the ſkies; when, had there been but a moderate degree of attention to the family arrangements, they could not have thoughtleſsly augmented the number of their debts! Could the evil be confined merely to the imprudent, it would not be a circumſtance greatly to be deplored; but the innocent unfortunately ſuffer for the crimes of the guilty, and their offspring become the victims of diſtreſs.

Ye thoughtleſs pupils of pleaſure and diſſipation, how can you reconcile the idea of entailing miſery upon beings, to whom ye have given life? Does not the animal creation ſet you a pattern of maternal fondneſs? And yet you can calmly neglect the duties both of the mother and the wife! "No man ever proſpered in the world (obſerves the late Dr. Hunter) without he was bleſt with the co-operation of his wife; for let him be ever ſo frugal, regular, and induſtrious, all goes for nothing if ſhe is profuſe. With what ſpirit and perſeverance will he labour in his vocation, when he knows that his earnings will be faithfully diſpoſed! with what confidence will he either reſort to his farm, or his merchandiſe; fly over land, ſail over ſeas; meet with difficulty, and encounter danger, if he is aſſured that he is not ſpending his ſtrength in vain; and that indulgent Heaven has crowned all his other bleſſings, with that of a true and faithful wife!"

If the love of diſſipation, and the evils which attend it, were only attached to the higher ſpheres of life, it would not be ſo deſtructive to the intereſt of ſociety; neither could its effects be ſo heartily deplored! but the firſt peereſs in the realm is ſcarcely leſs inattentive to the female duties, than the wife of a man who ſupports a family by his honeſt exertions in trade; each are engaged in a ſucceſſive round of viſiting, or company; and each are equally inattentive to their children's claims.

How intereſting an employment to an affectionate mother, is that of cultivating the infant mind, and carefully implanting thoſe ſeeds of virtue, which the hand of time will ripen into the moſt luxurious fruit! "Education on the part of the mother, (ſays the author whom I have quoted) commences from the moment ſhe has the proſpect of bearing the name, and the care of her own health may be conſidered as a duty which ſhe owes to the child ſhe is expecting to bear." The ſentiments of this

this amiable man, have made but little impreſſion upon the faſhionable females of the preſent day, or the nightly meetings in the metropolis would not ſo frequently be attended by the variety of young married women in that ſtate. Health at theſe aſſemblies is ſacrificed to faſhion; and ſocial friendſhip falls a victim to folly and taſte. Even the tender duties of a mother, are now transferred into an hireling's hands; and the lacteal ſtream of bounteous nature the helpleſs infant is not permitted to draw! The nurſery is even removed to ſome part of the manſion, where the ſuſceptible feelings of the parent cannot be wounded by her offspring's cries; and a five minutes viſit daily to the apartment is all that can be ſpared from more intereſting purſuits! to what a pitch of folly, nay, even of inhumanity, can faſhion conduct her votaries, when it can induce them to break through the ſtrongeſt ties; when it can make a mother forget the duties ſhe owes to her offspring, and make pleaſure a dearer object than a child!

Allowing, however, that during the ſtate of infancy, a child never feels the want of its mother's care; that prudent attendants are provided, in whom others have placed confidence; yet who, like an anxious parent, will watch the opening of the mind? Who, like her, will have penetration to diſcover its leading features? Who will encourage the timid? or who will repreſs the bold? or who will endeavour to find out whether the faults of childhood ariſe from natural imperfection, or badneſs of heart?—How can the parent, who has never been the friend and playfellow of her children, ever form an opinion of the real propenſity of their minds? or how can ſhe expect to inſpire them with confidence and affection, when, inſtead of feeling tenderneſs for her perſon, they are merely taught to treat her with reſpect?—This is one of the melancholy inſtances of diſſipation, which actually ſinks the mother below the level of the brute; for amid the animal creation, how ſtrong is the propenſity to cheriſh with the utmoſt propenſity their young! Among the experimental obſervers of natural philoſophy, how many inſtances might be brought to prove the effect of parental care; and can human beings ſupport the thought of being ſurpaſſed in affection by the truſty ſpaniel, or the Greenland bear*?

But, as I before obſerved, this inattention to domeſtic duties is not confined to the higher ſpheres; for the daughter of the meaneſt mechanic, muſt now be educated at a boarding-ſchool, inſtead of receiving inſtruction from an anxious mother's care!

—Theſe

* A bitch was once cut open by a pupil of Dr. Hunter's, who, unmindful of her own torture, began licking her young, &c. and a white bear, which was wounded in the Greenland fiſhery, carried her whelp from the ſpot of danger, and inſtantly expired.

—Theſe ſeminaries, which ſo much abound within the precincts of the metropolis, I conſider as inſtitutions merely calculated for the propagation of vice; or as abſolute nurſery grounds for ſowing the ſeeds of ſeduction, and contaminating, inſtead of cultivating the mind! I do not mean this ſatire ſhould be conſidered as unlimited, for I know the heads of ſeveral ſchools, whom I highly reſpect; but I mean it to be attached to thoſe of inferior order, where from the ignorance of their conductors, the pupils cannot expect to become wiſe. Still the unfortunate children acquire a ſmattering of accompliſhments, they are inflated with vanity, and puffed up with pride; and what is worſe, they learn to deſpiſe the authors of their exiſtence, for not poſſeſſing thoſe qualifications, which prove ſuch a ſource of miſery to themſelves. They become too much the fine lady to deſcend to ordinary occupations, and ſpurn the idea of making themſelves uſeful in the houſe; a circulating library aſſiſts the completion of their ruin, and they credulouſly believe all the libertine's vows.

INTERESTING TRIALS.

COURT of KING's BENCH, July 7.

Before LORD ELLENBOROUGH and a Special Jury.

SMITH *v.* SMITH.

CRIM. CON.

THIS was an action for criminal converſation with the plaintiff's wife, and the damages were laid at 6000l.

Mr. Erſkine ſaid, he had to lay before the jury a caſe of greater profligacy on the part of the defendant, than had ever, he believed, been exhibited in a court of juſtice. After the frequent occaſions he had had, of addreſſing juries, and demanding damages for adultery, he lamented it ſhould again have fallen to his lot to have renewed ſo diſguſting a theme. In this caſe it would be ſufficient to ſtate the fact. The plaintiff was a tradeſman of reſpectability and opulence at Birmingham, and had been fourteen years married to the lady who had been the object of the defendant's ſeduction. He had four children by her, and lived with her in a ſtate of domeſtic felicity, till unhappily it had been interrupted by the defendant. The defendant was the plaintiff's firſt couſin, and had been adopted by him when an orphan, at a very early period of life. The plaintiff placed him at ſchool, had him at his houſe during the holidays, put him apprentice to a lucrative buſineſs, and afterwards eſtabliſhed him in trade, and did every thing in his power to recommend

commend him and promote his intereſt. In ſhort, he had behaved to him, from his infancy, like a father. In return for this parental treatment, the defendant had ſeduced the wife of his affections, and the mother of his children. The learned counſel having proceeded to ſtate the facts, as they were afterwards more particularly detailed by the witneſſes, concluded by appealing to the jury for damages, to the extent they were laid in the declaration.

The marriage was duly proved.

Mr. William Smith, brother to the plaintiff, proved the adoption of the defendant by the plaintiff, as ſtated by Mr. Erſkine. He alſo depoſed to the harmony and conjugal affection that had ſubſiſted between the plaintiff and his wife. He ſaid there was nothing in the conduct of the defendant, or Mrs. Smith, that gave his brother reaſon to ſuſpect any thing improper. He complained that ſhe did not behave with the attention towards him and his children ſhe had done; but he had no ſuſpicion of the defendant, on the contrary, he continued to ſerve him.

Mr. Woollaſton ſaid, he viſited the family; he never ſaw any thing but the moſt perfect harmony between the plaintiff and his wife. He never ſaw any thing paſs between Mrs. Smith and the defendant that could have induced the plaintiff to ſuſpect his domeſtic peace had been invaded. He never obſerved the leaſt familiarity between them. The witneſs ſaw the plaintiff the day after his wife eloped with the defendant; the agitation of his ſpirits was very great. They had four children, three boys and one girl. On his croſs-examination, he ſaid, that at Chriſtmas, 1800, he remembered the plaintiff having ſome words with his wife, in conſequence of her and the defendant's ſpeaking French before a company who did not underſtand that language. Mrs. Smith was upwards of thirty, and the defendant was twenty-four years of age.

Mary Dudley had been houſemaid in the family eight years; ſhe knew the defendant, the plaintiff's couſin; he uſed to be much in the family, and ſhe never till lately obſerved any thing improper in his conduct. The firſt obſervation ſhe made was about two years ago; they were alone together ſome time, but there was nothing that induced her to ſuſpect any thing criminal. She remembered her leaving her huſband's houſe. It was on the 12th of March laſt; the day before ſhe was unwell, about dinner time, left the room, and retired to the nurſery; her huſband brought her a glaſs of wine, and conducted himſelf with his uſual affection; ſhe continued in the nurſery, and ſaid ſomething to the witneſs that led her to believe ſhe had an engagement for the next day with Miſs Bolton, of Soho; ſhe retired to reſt. About ten o'clock the following morning ſhe came into the nurſery, kiſſed the youngeſt child ſeveral times, and deſired that the witneſs would take care of it. The child was two years

old. She appeared unwell, and frequently kiſſed the child. She went from home between ten and eleven, and left orders that the coach might be ſent for her if ſhe ſtaid beyond ſeven in the evening; ſhe did not return again. The plaintiff always conducted himſelf with affection towards her; he had, the day before ſhe eloped, propoſed to call in medical aſſiſtance for her. The witneſs never ſaw any man conduct himſelf with more propriety towards his wife. She knew Mrs. Smith was in a family way when ſhe went from home.

On her croſs-examination ſhe ſaid Mrs. Smith and the defendant were frequently walking out together. Once or twice they went to the theatre, and came home between eleven and twelve. She never knew that the plaintiff went to Harborough, leaving her at home with the defendant. She had obſerved the partiality of her miſtreſs towards the defendant; but, down to the time of her elopement, ſhe had no reaſon to think there had been any criminal intercourſe.

John Hayward ſaid, he knew the parties: he was employed to purſue the defendant and Mrs. Smith. He ſet out on the 21ſt of March, and found them at Edinburgh. He ſaw them on the 21ſt of March walk out together. He found out where they lodged, and took a lodging oppoſite: they lodged together, and continued there about three weeks. They were about to depart, but the witneſs prevented them. Mrs. Smith had in the mean time miſcarried. He underſtood from the defendant that ſhe cohabited with him, and that they had but one bed.

Mr. Price, a magiſtrate at Birmingham, ſaid, he had been long acquainted with the plaintiff, and had frequently viſited him, and had had opportunities of ſeeing how he lived in his family. He always conſidered him to be an affectionate huſband, a good father, and an honourable man. He appeared to the witneſs to be in poſſeſſion of domeſtic happineſs. He had ſeen the defendant in the family; he uſed to come backwards and forwards like a brother. No circumſtance that ever came to his knowledge gave him ſo much ſurprize as the elopement of Mrs. Smith with the defendant. It was proved that the defendant was worth between 2 and 3000l.

Mr. Caſſels addreſſed the jury for the defendant. He ſaid, that he meant not, by any of his obſervations, to infer ought that might tend to encourage a relaxation of the duties of a married life; but he contended that the jury had nothing to do with the moral guilt of the defendant. It had been ſaid, that verdicts in actions of this kind ſhould be made the medium of inflicting puniſhment upon a defendant. This doctrine he could not accede to. If the legiſlature thought proper to make a law for the purpoſe of puniſhing the offence of adultery by indictment, the jury would have to conſider the queſtion under a different aſpect; but the defect of the law, as it ſtood at preſent, was not

to be ſupplied by converting a claim for damages in a civil action to a puniſhment for a criminal offence. If it could be ſhewn that the defendant never had enjoyed that domeſtic happineſs for the loſs of which he complained; if it ſhould appear that he had become the idle ſpectator of his own diſgrace, without taking any meaſures to prevent it, certainly his claim to damages would be materially leſſened. He ſhould now ſtate what he meant to prove. It was already in proof that the plaintiff was a tradeſman at Birmingham, that he had been married fourteen years, and that the defendant was only twenty-four. The plaintiff muſt be taken to be a man of experience, while the defendant, on the contrary, was a youth of twenty-three or twenty-four years of age only. If, therefore, it could be ſhewn, that the plaintiff, previous to the elopement of his wife, had good cauſe to ſuſpect her partiality for the defendant, the jury muſt neceſſarily conclude that it was the plaintiff's duty to have removed the cauſe which had eſtranged from him the affections of his wife. He ſhouid prove, that previous to Mrs. Smith's journey to London, in company with the defendant, the plaintiff had frequent hints of her partiality for him, and particularly in the courſe of a converſation with Mrs. Bratten, the ſiſter-in-law of Mrs. Smith; yet with all theſe warnings, he had ſtill permitted the intimacy to continue. Independent of this, there was another feature in the caſe neceſſary to be brought forward;—it had been ſaid, that the plaintiff and his wife had lived happily together: in contradiction to this he ſhould prove, under the plaintiff's own hand, that he had not lived happily with her. It was true, he had not accuſed her of perſonal criminality, but he had ſtated, that it was his intention immediately to write to her friends, with a view to their ſeparation, and that ſhe ſhould no longer incur any expence in his family. What comfort then had he loſt, if after he had contemplated a ſeparation from his wife, ſhe had flown to the protection of another? It appeared to him, that the letter to which he referred, had been written under the expectation of what had afterwards taken place. If he proved theſe facts, he was well perſuaded, though they might not altogether deſtroy the plaintiff's right of action, they would reduce, within a very limited compaſs, his claim to damages.

Mr. Bratten ſaid, he had married Mrs. Smith's ſiſter. He was at Moor-Green after the death of her brother, Mr. Pearſon. He recollected Mrs. Smith coming there, frequently, in company with the defendant; they generally left it time enough to go to Harborough before dark. He remembered a converſation between the plaintiff, Mrs. Smith, and himſelf: Mrs. Smith complained to her huſband, that Mrs. Bratten had mentioned to the defendant that his conduct and her's had been particularly marked; this was in March, 1802; Mrs. Smith cried very much, and ſaid it was very hard ſuch a remark ſhould have

been made, and that ſhe could not have the attention of the defendant, who was the near relation of her huſband, and to whom ſhe had always paid reſpect on his and his brother's account; ſhe added, that it was lucky for her ſhe had the beſt of huſbands, or ſuch reports might be injurious; he told her not to make herſelf uneaſy, that he did not believe a word of it, and he hoped his couſin would always attend her as he had done. The witneſs had obſerved improper attentions on the part of the defendant, but he thought it too delicate a ſubject to mention. He obſerved them firſt in January, 1802, but he never ſuſpected there was any criminality till they went off.

On his croſs-examination, he ſaid, the plaintiff would as ſoon have given credit to a report of his own brother having been criminal with his wife as the defendant. He ſeemed to be a moſt affectionate huſband, and to have no pleaſure but at home. He certainly had enjoyed no pleaſure ſince his wife had diſgraced herſelf and family. His health and ſpirits were very much broken. Mrs. Smith's brother lay dead at Moor-Green, at the time ſhe viſited at that place, with the defendant. The plaintiff was then the moſt happy of men, and now he was the moſt miſerable. He had heard him ſay, that Mrs. Smith's inattention to her children was ſuch that he would write up to her friends. He underſtood ſhe wanted to ſeparate from him.

Mr. Bird had been in the habit of viſiting the plaintiff, and had obſerved the conduct of Mrs. Smith and the defendant. He thought there was a great deal of attention on the part of Mrs. Smith towards the young man. Their conduct ſtruck him particularly, but he ſuſpected no criminality. He thought it a paſſion on the part of Mrs. Smith, which increaſed from time to time. He did not think the plaintiff perceived it.

Sarah Bird frequently viſited in the plaintiff's family. The witneſs ſaid, ſhe might have made an obſervation on the impropriety of friendſhips between married women and ſingle men, but the obſervation was general. She ſtated that the plaintiff was one of the moſt affectionate huſbands ſhe had ever ſeen.

The letter from the plaintiff to Mrs. Smith, alluded to by the defendant's counſel, was read. It painted, in the moſt glowing colours, his diſtreſs of mind, at the inattention of his wife to him and her family; warned her of the fatal conſequences which muſt attend her ſeparation from him; reproached her in the mildeſt terms for the ſullenneſs of her diſpoſition, and her denial of thoſe rights excluſively a huſband's. He left no topic untouched by which he thought he could bring this infatuated woman to a proper ſenſe of her duty; but he expreſſed his firm determination, if ſhe would not return to it, to write to her friends, in order that the ſeparation ſhe had ſo long courted might take place. It did not appear by this letter that the

plaintiff

plaintiff had the remoteſt idea of his wife having formed a criminal attachment.

Mr. Erſkine ſaid, the letter juſt read would have more effect than any thing he could urge; for, as he was neither the huſband of this woman, or the father of her four children, it was impoſſible for him to expreſs himſelf with ſo much feeling. He never recollected having been ſo affected by any thing in a court of juſtice. He could not help lamenting the jury were determining a civil action, and that the law of the country, renowned as it was, ſhould be ſo deficient on this ſubject. He truſted that this cauſe would have the effect of ſhewing the legiſlature how neceſſary it was to bring the offence of adultery within the ſcope of a miſdemeanor. This, however, was merely a civil action, and the plaintiff came to claim damages for the injury he had ſuſtained. His learned friend had truly ſaid, that the damages ought not to be increaſed, with a view to puniſhment, beyond what were actually ſuſtained; this he admitted, but at the ſame time he contended, they ought not to be mitigated. The plaintiff had ſtated, that he had ſuſtained damages to the amount of 6000l. He had bred up the defendant from his infancy, educated him, taken him into his family, treated him with affection, and ſettled him in life; and in return this ungrateful monſter had deprived him of all he moſt valued—and from one of the happieſt of men, had made him what he now was, an undone, broken-hearted, and miſerable creature. He thought the jury would be doing an injury to the cauſe of morality, if they, in the ſmalleſt degree, leſſened the damages.

Lord Ellenborough obſerved that this was one of the moſt affecting caſes of a civil injury that ever preſented itſelf in a court of juſtice. The plaintiff complained of an injury done to him by a perſon who ought to have been the firſt to have prevented the injuries of others reaching him. The defendant appeared to have been an orphan, taken up by the plaintiff at twelve months old, reared, ſent to ſchool, received in his family at the intervals of recreation, put to an apprenticeſhip with a view to its being advantageous to him, and aſſiſted at his outſet into life; in ſhort, a general fatherly kindneſs had been ſhewn him by the plaintiff, and every member of that family whoſe ruin he had effected. What was there in mitigation of this moſt extenſive injury? It had been endeavoured to be ſuggeſted, that the plaintiff had been negligent, and that the conduct of his wife had been ſuch, that he ought to have ſeen a growing attachment on her part towards the defendant. Was it any laxity of principle, any imperfect ſenſe of domeſtic happineſs, that the plaintiff had remained inſenſible to his wife's conduct? No; the witneſſes one and all had ſaid, that he was the laſt man who would have ſeen any thing. A man who poſſeſſed nice feeling, would undoubtedly be the laſt to ſee the improper overtures of a perſon

ſituated as the defendant. If there had been a degree of blameable neglect, it would operate to leſſen the damages, becauſe the plaintiff would have been, by his own imperfection of conduct, inſtrumental in the diſhonour of his wife. But what was the caſe? the only time when even the ſubject was hinted to him was at Moor-Green, in conſequence of what Mrs. Bratten had ſaid. She then went into tears, and he participated in her grief, and urged her not to afflict herſelf, for that ſhe had not forfeited his confidence. This was doing no more than he ought to have done, conſidering that he had been living with her twelve years before, and ſhe had borne him many children. However, if the jury could ſee any circumſtance in which he had been remiſs, it would operate to a certain extent againſt his claim. It was for them to find out ſuch circumſtance in a caſe which ſeemed pregnant with proof of a contrary nature. It was not to be ſaid, that men were careleſs of their wives, becauſe they permit them to go to the play with their near relations. The laws of nature and ſociety gave the plaintiff a right to place confidence in this man. The adoption of ſuch a principle would induce us to prevent our own children when they became adults, from attending our wives. The caſe of the defendant then ſtood before them, as one in which there was no ſubject of mitigation. Although it was a maxim of law, *luat in corpore qui non ſolvit in crumena*, yet a jury were not to give a verdict which might be attended with perpetual impriſonment.—It had been proved, that the defendant was worth between 2 and 3000l. There was nothing in the caſe that entitled him to retain any part of that property in his pocket. The letter of the plaintiff to his wife, exhibited one of the moſt moral minds he had ever contemplated. It was a comfortable thing to find that among men, not of the higheſt rank in ſociety, there was ſuch a fund of honour and virtuous principle. It was the beſt ſecurity for the country. While the principles of ſociety were relaxed in a neighbouring country it was a proud triumph for this to ſay, that it owed its beſt ſecurity to the moral character of its inhabitants. The letter preſented the picture of the plaintiff's mind—it ſhewed what he ſuffered—how anxious he was for the happineſs and comfort of his children, and with what feeling he had urged his wretched wife not to ſet an example before them, which would make them wiſh for her death, in order that they might enjoy the property ſhe was the means of withholding from them. It appeared he was not endeavouring to ſeparate himſelf from her, but ſhe had been urging him. She had eſtranged herſelf from him by her conduct in withholding from him thoſe fair comforts which an huſband was entitled to in the perſon and ſociety of his wife. There was not one earthly comfort which the co-operation of this man, the defendant, with his wife had not deſtroyed. Perhaps ſhe had been originally the cauſe, but the man who lent himſelf

himſelf to the purpoſes of ſo wicked a woman was equally criminal with her. He was aſſured they would adminiſter that juſtice which the plaintiff had demanded at their hands.

The jury conſulted for a few minutes, and returned a verdict for the plaintiff.—Damages 3000l.

OLD BAILEY, Friday, July 8, 1803.

FRAUD *upon the* BANK *of* ENGLAND.

THIS morning Robert Aſlett, late one of the caſhiers of the bank of England, was brought to the bar, and arraigned upon ten indictments, charging him with embezzling, ſecreting, and running away with certain exchequer bills, of the value of 1000l. each, the property of the governor and company of the bank of England.

The clerk of the arraigns read over the firſt indictment, in which he was charged with embezzling at the pariſh of St. Chriſtopher le Stocks, three exchequer bills of certain numbers, the property of the governor and company of the bank of England. The counts of the indictment ſtated the bills to be certain effects and ſecurities of the ſaid governor and company, which the priſoner at the bar had ſecreted, embezzled, and run away with. To this indictment the priſoner pleaded Not Guilty.

When the jury were called over, ſeveral of them were challenged by Mr. Serjeant Beſt, of counſel for the priſoner. At length, however, a jury was ſworn.

Mr. Garrow ſtated the caſe on the part of the proſecution. He ſaid, that he addreſſed the jury in conſequence of inſtructions which he had received from the governor and company of the bank of England, and he ſhould deem it neceſſary, in the courſe of his addreſs, to ſtate the reaſons why this trial, which had ſtood appointed on a former day, was poſtponed; and in ſtating thoſe reaſons, he was convinced he ſhould, for the conduct of thoſe engaged in the proſecution, experience not only ſatisfaction, but the approbation of the court. The caſe which he had to preſent to their attention, and which he ſhould make out againſt the priſoner, was of the laſt importance, not only to the public, but as it affected the life of the priſoner, and ſecurity and intereſts of the important corporation who had brought the proſecution forward. By a late act of parliament, it had been made a capital offence for any perſon in an official ſituation under that corporation to ſecrete or embezzle any property entruſted to his care. The governor and company were, in many inſtances, truſtees to the public. It would be neceſſary for him to ſtate the manner in which the buſineſs at the bank is tranſacted. The priſoner came into the employ of the gover-

nor and company about 25 years ſince, and about two years ſince he had been appointed to act under Mr. Newland, the chief caſhier. It would not be unimportant to ſay, that to that time he had conducted himſelf faithfully and meritoriouſly, and until he had been induced unfortunately to ſpeculate in the funds, and in dereliction of that duty and fidelity which he owed to his employers, had ſubſtracted immenſe ſums from the property entruſted to his care. Having gone through the neceſſary and regular gradations, he was appointed one of the caſhiers. It was a part of the buſineſs of the bank to purchaſe exchequer bills, to ſupply the exigencies of government; the purchaſes were entruſted to the care of a very meritorious and excellent officer (Mr. A. Newland), but on account of that gentleman's growing infirmities, having been 58 years in the ſervice of the bank, the management was left wholly under the direction of the priſoner. Theſe purchaſes were made of Mr. Goldſmid, by the means of Mr. Templeman, the broker. It was uſual to make out a bill in the name of the perſon from whom they were purchaſed, which was delivered to the priſoner, whoſe duty it was to examine and enter them in what was called the bought book, and then give orders to the caſhier to reimburſe the broker. The bills were afterwards depoſited in a ſtrong cheſt, kept in Mr. Newland's room, and when they had encreaſed in bulk by ſubſequent purchaſes, they were ſelected by the priſoner, tied up in large bundles, and carried to the parlour, that is to ſay, the room in which the directors held their meetings, accompanied by one of the clerks with the original book of entry, when the directors in waiting received the envelope, and depoſited them in the ſtrong iron cheſt, which had three keys, and to which none but the directors had acceſs; nor could they be brought forth until the courſe of payment, unleſs by conſent of at leaſt two directors. Therefore it was not poſſible for them to find their way into the hands of the public or the monied market, unleſs by ſuch contrivance as he had ſtated. On the 26th of February laſt, the priſoner, according to the practice, made up three envelopes of exchequer bills, of 1000l. each bill; the firſt containing bills to the amount of 100,000l. the ſecond 200,000l. and the third 400,000l. making in the whole 700,000l. theſe were, or in fact ought to have been, carried to the parlour, and were ſigned as being received by two of the directors, Meſſrs. Paget and Smith; one of theſe bundles, namely, that containing the 200,000l. worth of bills, was withdrawn. The charge which he had to make againſt the priſoner was, that he withdrew that parcel, embezzled and turned it to his own uſe. This he ſhould moſt clearly demonſtrate to the ſatisfaction of the jury. The confidence which the governor and company placed in the priſoner had enabled him to conceal the tranſaction from the 26th of February to the 9th of April; and

it was next to an impoſſibility that it ſhould be diſcovered, as no period of payment had arrived; but on that day, in conſequence of an application made by Mr. Biſh, the whole was diſcovered. —On the 16th of March, the priſoner went to that gentleman, and requeſted he would purchaſe for him 50,000l. conſols, to which requeſt no objection was made, provided he depoſited the requiſite ſecurities. The fluctuation of the market at that time was 6 per cent. and the priſoner, in order to cover any deficit, depoſited with Mr. Biſh three exchequer bills, the ſubject of the preſent indictment, Nos. 341, 1060, 2694, and which he knew had been previouſly depoſited in the bank. From ſome circumſtances, and from his general knowledge of the whole of the buſineſs of the funds, Mr. Biſh ſuſpected all was not right, and accordingly went to the bank, where an inveſtigation took place, at which Mr. B. Watſon, one of the directors, was preſent. Mr. Newland was ſent for, and aſked whether any of the exchequer bills could, by poſſibility, get into the market again from the bank? To which he anſwered in the negative, obſerving they were a dormant ſecurity. The ſame queſtion was put to the priſoner, and the ſame anſwer given by him. It was found neceſſary to tell him, that the bills in queſtion, which could be proved to have been in the bank, had found their way into the money market, and at the ſame time it was obſerved, that he (the priſoner) had made purchaſes, to a large amount, of ſtock, with the bills; this was acknowledged by him; but he ſaid he had done ſo for a friend named Hoſier, reſiding at the weſt end of the town, and he declared they were not bank property, nor to be found in the bought book. The directors, however, were not ſatisfied on this point, and he was immediately ſecured. Mr. Garrow here remarked upon the dangerous tendency to ſociety of ſuch practices, even in a private merchant's houſe, and obſerved that the preſent caſe was of the utmoſt conſequence, involving an embezzlement of property to the amount of 200,000l. from a large corporate body. It would be impoſſible for common charity to find an excuſe for the priſoner's guilt. He ſhould prove that many of the bills ſo embezzled had been depoſited with certain gentlemen, whom he named; and that after the priſoner was in cuſtody, his deſk was broke open, and an envelope containing bills to the amount of 16,000l. taken from thence, which bills were the property of the bank of England. Theſe were the charges which he had to bring againſt the priſoner, and which he ſhould prove to the full extent. (Mr. Garrow here made ſome alluſions to the conduct of certain prints, reſpecting the delay in bringing the priſoner to trial, which it would be an uſeleſs and needleſs waſte of time to repeat.) He then ſtated the reaſon for putting off the trial. It had occurred, he obſerved, to thoſe employed in the proſecution, that the bills in queſtion had been iſſued with an informality

lity in them, not having the ſignature of the auditor of the exchequer. They were aware of the objections that might be taken, and parliament not then being ſitting, it was thought adviſeable to poſtpone the trial, leſt it might create an alarm in the money market. The fact was no ſooner known, than a bill was brought into parliament for remedying thoſe defects, and to render the bills valid. This, he truſted, would be a ſufficient excuſe for the delay.

The counſel for the proſecution were about to call Mr. Beſt, the ſecretary to the bank, to give evidence, when

Mr. Erſkine roſe, and ſubmitted to their lordſhips that the indictment could not be ſuſtained. It charged the priſoner with having committed larceny, by ſecreting and embezzling certain exchequer bills. It was only neceſſary, to prove what he had ſubmitted, to enquire one plain fact, whether the bills which the priſoner ſtood charged with having ſtolen were really and *bona fide* exchequer bills, that is to ſay, good for the purpoſes for which they were intended at the time they were ſecreted. To prove they were not, he need but refer their lordſhips to the act which had been alluded to by Mr. Garrow. It was found expedient, by the wiſdom of the legiſlature, to paſs that act, in order to render the bills, or what might be more properly denominated pieces of paper, valid and good for the purpoſes for which they were intended. They were either good bills before the paſſing of this act, or they were nothing. It was evident that the legiſlature, conſidered them as not good and valid, in conſequence of their not being ſigned by the auditor of the exchequer, or ſome one named by him, or the act would not have paſſed. If this propoſition was conceded to him by the court, the priſoner muſt be acquitted.

The Chief Baron M'Donald obſerved, that the judges gave their deciſion in Reculet's caſe on the very converſe of the propoſition contended for, that was an indictment for forgery. In the preſent caſe, the charge was for embezzling a valid bill of exchange. However great the crime in ſociety, and the magnitude of the ſum embezzled, though every one muſt regret the cauſe of it, and the effect upon ſociety, yet it was the bounden duty of the court to determine according to the regular, ordinary, and conſtant courſe of the adminiſtration of juſtice. It was certainly clear the preſent indictment was not to be maintained, as the charge therein alledged could not be proved. The act of parliament had recognized the invalidity of the bills which the priſoner embezzled.

The Lord Chief Baron then directed the jury to acquit the priſoner. He was accordingly found Not Guilty.

Mr. Aſlett was now ordered back to priſon, at the deſire of Mr. Garrow, in order to await the iſſue of a proceſs againſt him for 100,000l. the ſum which the bank directors had paid for the bills which the priſoner had converted to his own uſe.

Remarkable Inſtance of the Advance of the Price of Land.

BELLA ISLAND, in the lake of Windermere, is a rare inſtance of the advance of price, even in theſe times. We are told by the Rev. Mr. Warner, that the iſland was purchaſed about 17 years ago by Mrs. Curwen, before her marriage, for 1640l. of the creditors of Mr. Engliſh, who had begun the houſe which Mr. Curwen now inhabits; the plantations commenced two years afterwards; but ſo much has the value of property thereabouts increaſed, and ſo elegantly has Mr. Curwen completed the manſion and grounds, that within this preſent year 20,000l. have been offered as the price of his purchaſe.

Mr. Warner's Reflections on the Situation of thoſe unfortunate Quadrupeds who are employed to convey Coal to Bath

TOGETHER with ſhelter for the beggar, the village of Holloway, ſituated near Bath, affords a nocturnal retreat to a much more uſeful claſs of beings, the animals employed in the conveyance of coals from the pits to that city. Wearied and panting with the labour of the day, here the wearied beaſts are driven by crouds, as the evening cloſes, into yards hired for the purpoſe, not ſo much for the ſake of rewarding their ſervices with reſt, as to prevent their eſcape from the toil of the morrow. As they pick a ſcanty pittance from the ditches and hedges during the day, the inhuman maſter thinks himſelf exempted from the neceſſity of giving them food at night; and what is ſtill more barbarous, never removes from their backs the heavy and incumbering wooden ſaddle on which the coals are packed, but ſuffers it to continue girded on for weeks together, inflaming and increaſing thoſe galls which its preſſure originally occaſioned.

The meek and unreſiſting are the objects on which cruelty and cowardice moſt delight to exerciſe their tyranny, for reaſons ſufficiently obvious; and the unfortunate aſs is chiefly employed in the buſineſs of tranſporting the coals from the pits to the city. Full oft has my heart bled for this little, waſted, panting wretch, ſtaggering under its unconſcionable burthen, and labouring up the ſteep ſtreets of Bath; now dropping with fatigue, and again urged to exertion by reiterated blows. Inhumanity in every ſhape is odious to the feeling boſom, but it never aſſumes ſo much deformity as when exerciſed againſt the helpleſs and the patient; nor is honeſt indignation ever more praiſe-worthy, than when it is levelled at the tyrant in the little way.

Anſwer, by S. L. Margary, of Newton Abbot, to W. Strong's Enigma, inſerted May 16.

A SONG, with time, is beauteous to the ear,
And words ſung plain do make the meaning clear.

⁂ We have received the like anſwer from J. Channon, of Ottery; and J. Tremlett, of Newton Abbot.

Anſwer, by J. Squance, of Exeter, to W. Strong's Enigma, inſerted May 16.

AT country wakes or city routs,
Aſk why they put ſuch things about,
They'll anſwer, "Sir, why don't you know,
"Its CUSTOM always makes it ſo."

⁂ We have received the like anſwer from H. Humphreys, Orlando, R. Holwell, T. Whicker, and P. Gove, of Exeter; and Nebuchadnezzar.

Anſwer, by R. Bartlett, of Lopen, near South Petherton, to J. Lewis's Rebus, inſerted May 16.

IVY, if I judge aright,
Will your rebus bring to light.

☞ We have received the like anſwer from Henry Humphreys, of Exeter; Thomas Bullock, of St. Columb; J. Tremlett, and S. L. Margary, of Newton Abbot; W. Cole, of Broadhempſton; T. Adey, and J. Bloomfield, of Poole; R. Horſey, jun. and W. Row, of Wellington; and J. O. Zillwood, of Dorcheſter.

A REBUS, *by W. Gifford, of South Petherton.*

FIRST a poet, Sirs, pray find;
Next a meaſure bring to mind;
Then what miſs would wiſh to be;
And a thing which men ſhould flee;
Next, when ſleep uſurps her ſway;
Laſt a river, bards, ſurvey:

Theſe initials rightly frame,
And a certain ſign you'll name.

A REBUS, *by W. Bedford, of Crediton.*

AN iſland's name, ye gents. explore,
By Britiſh valour gain'd;
My ſecond from his native ſhore
Did to the ſhades deſcend.

Far be my next from every breaſt,
By generous friendſhip warm'd;
My powerful laſt who can reſiſt,
Whoever feels its charms:

My whole again may Britain never know,
Nor Briton cauſe a brother's blood to flow.

POETRY.

The LAST ADIEU.

By LAURA SOPHIA TEMPLE.

" And death, with nature's nobleſt
" works at ſtrife,
" Quench'd the fair ſtar that ſmil'd
" upon his life."

LANGHORNE.

NOW the hollow drum reſounding
Fir'd each valiant ſoldier's breaſt,
High the youthful ſpirits bounding
Future hours in conqueſt dreſs'd.

Brightly beam'd the eye of morning,
Gaily ſmil'd the face of ſpring,
Balmy ſweets the ſenſe delighted,
Borne on zephyr's trembling wing.

Hark to the cymbal's brazen clangour!
Hark to the trumpet's ſhrill reply!
Each brave heart ſhakes off its langour,
Proudly the crimſon banners fly.

Now a cadence ſoftly warbles,
'Tis the flute's melodious ſound;
Now the meaſure loudly ſwelling,
Flings its awful thunder round.

See the gallant band advances!
Glitt'ring ſabres brandiſh'd high;
Hope in every boſom dances,
Courage ſpeaks in every eye.

But who is he that quickly follows?
Mark the grief that fades his form;
In each wan feature paſſion ſtruggles,
Paſſion's wild tempeſtuous ſtorm.

View his glances quickly ſhifted!
View the mis'ry they expreſs!
Now to Heaven his eyes are lifted,
Now caſt down in mute diſtreſs.

To him are loſt hope's ſiren accents,
Harſh are thoſe ſpirit-waking ſtrains!
On his lorn mind no morning opens,
There a night of ſadneſs reigns.

But honour's powerful voice prevailing
Breaks the ſpell that fancy wove,
Tow'ring fame at diſtance hailing
Drowns the timid voice of love.

Now his footſteps fondly linger,
Mark, Oh mark the ſoul-fraught gaze!
He views the fair, departing luſtre;
The laſt—laſt glimpſe of beauty's rays.

So the loſt wretch whom fate purſuing
Exiles from the light of day,
Once more the lovely landſcape viewing
Dwells on each charm—then haſtes away.

Thus did *he* ſeek the beauteous viſion,
And thus each well-known grace explore,
Catch the ſoft day-break of thoſe glances,
Whoſe brightneſs he muſt view no more.

Ah! ne'er again on him they reſted,
Thoſe liquid ſuns have ceas'd to roll;
Of all their ſparkling power diveſted,
No more they fire the raptur'd ſoul.

Pale is the cheek of poliſh'd texture,
Where once the roſe of ſummer ſmil'd;
And thoſe ſweet lips, where love reſided,
Are of their honied flore beguil'd.

Cold is that breaſt, of Heaven the dwelling,
Which once with nobleſt feeling glow'd;
No more with ſoft compaſſion ſwelling,
No more of truth the pure abode.

Beneath the turf now pow'rleſs lying,
Thoſe limbs where grace its magic ſpread;
Of death ſhe taſtes the leaden ſlumber,
While bleak winds whiſtle o'er her head.

Verſes written on viſiting the Tomb of Cunningham. By Mr. George Saville Carey.

SWEET bard, while here, with fond reſpect,
I kneel beſide thy lonely grave,
Dear victim of the world's neglect,
A wand'ring ſtranger's tear receive.

How oft, in childhood have I fought
The oak-crown'd hill, the wild wood ſhade,
Where ſtretch'd along in tender thought,
Thy verſe my truant hours delay'd.

Thy

Thy artleſs and melodious ſtrain
Enamour'd ſympathy awoke,
In numbers taught me to complain,
And bade me, firſt, the muſe invoke.

Far from the city's pride retir'd,
Unheedful of deluſive fame,
Thy gentle boſom ne'er aſpir'd
Beyond a ſylvan poet's name.

In village bow'rs, abodes of peace,
Amid a mute admiring throng,
Each native charm, each ſimple grace,
Thy fancy wove into her ſong.

The hours that gild the orient morn,
And kindle noon's oppreſſive rays,
And ev'ning's ſhadowy brow adorn,
With inſpiration crown'd thy lays.

The queen of night by twilight pale,
On mountain, heath, and pathleſs wild,
By haunted ſtream, and lonely vale,
On thee in radiant viſions ſmil'd.

Apart from vulgar eye conceal'd,
In annual glory deck'd anew,
The rural ſcalons all reveal'd
Their faireſt beauties to thy view.

The wanton boy that rules the plains,
His tuneful reed to thee reſign'd,
To ſing the loves of rural ſwains,
Of hearts by moonlight vows entwin'd.

Content, that brightens every ſcene,
Was wont her fav'rite to beguile,
Till diſappointment ſtrode between,
And robb'd thee of her ſweeteſt ſmile.

Unto thy duſt, ſweet bard, adieu!
Thy hallow'd ſhrine I ſlowly leave;
Yet oft, at eve, ſhall memory view,
The ſun-beam ling'ring on thy grave.

INVOCATION *to* HOPE.

COME, ſweet, ſorrow-ſoothing hope,
Come, and bid my ſorrows ceaſe;
Haſte, with dread diſquiet cope,
And give my ſoul its wonted peace.

Thy ſmile can ſmooth the brow of care,
And give the troubled ſpirit reſt;
Can light the gloom of black deſpair,
And make e'en love's pale victim bleſt!

Inſpir'd by thy reviving light,
I ſee truth's banners wave unfurl'd;
Philanthrophy with love unite
To harmonize a warring world.

Then come, ſweet hope, and bleſs my ſight,
Come, and bid my ſorrows ceaſe;
Illume my ſoul's dark dreary night,
And give my burning boſom peace.

A. R.

Mrs. John Hunter's Addreſs to her Daughter, on being ſeparated from her on her Marriage.

DEAR to my heart as life's warm ſtream,
Which animates this mortal clay,
For thee I court the waking dream,
And deck with ſmiles the future day;
And thus beguile the preſent pain,
With hopes that we ſhall meet again.

Yet will it be, as when the paſt,
Twin'd ev'ry joy, and care, and thought,
And o'er our mind one mantle caſt
Of kind affections finely wrought?
Ah no! the groundleſs hope were vain,
For ſo we ne'er can meet again.

May he who claims thy tender heart
Deſerve its love, as I have done!
For, kind and gentle as thou art,
If ſo belov'd, thou'rt fairly won.
Bright may the ſacred torch remain,
And cheer thee till we meet again.

Lines from a Lover to his Miſtreſs, who was apprehenſive that his Fondneſs for convivial Society would leſſen the Satisfaction he derived from her's.

AH, Lucy! my charmer, ne'er ſay,
That true love's a foe to all wine;
For does not the moon's ſilver ray
From borrow'd irradiance ſhine?

Tho' wine, ſweeteſt girl, it is true,
The paſſion of love can't inſpire;
Yet when I am drinking to you
It is adding a fewel to fire!

Then, never, my Lucy, ſuppoſe,
That wine can thy image diſplace;
For as the champaign briſkly flows,
I fancy I ſee thy lov'd face!

And here's to the health of my fair,
I ſay, without ſpeaking her name;
The bumper goes round, and old care
Trots away, finding nothing to blame.

T. W.